

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-27-2020

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UNITED STATES OF AMERICA

- v. -

FABIO BRETAS DE FREITAS,

Defendant.
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:
: AMENDED
: CONSENT PRELIMINARY
: ORDER OF FORFEITURE/
: MONEY JUDGMENT

: S3 19 Cr. 257 (LTS)
:
:

WHEREAS, on or about August 8, 2019, FABIO BRETAS DE FREITAS (the "Defendant") was charged in a one-count Superseding Information, S3 19 Cr. 257 (LTS) (the "Information") with conspiracy to commit wire fraud and commodities fraud, in violation of Title 18, United States Code, Section 1349 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about August 8, 2019, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$5,393,100.00 in United States

currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about August 8, 2019, the Defendant consented to, and the Court ordered, the entry of a money judgment in the amount of \$5,393,100.00 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information (the "Money Judgment");

WHEREAS, on or about February 24, 2019, the Government requested that the Court amended the Money Judgment to be in the amount of \$5,332,100.00 in United States currency;

WHEREAS, the Defendant consents to the entry of an amended money judgment in the amount of \$5,332,100.00 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys Benet J. Kearney and Andrew C. Adams of counsel, and the Defendant, and his counsel, Anthony Strazza, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$5,332,100.00 in United States currency (the "Amended Money Judgment"), representing the proceeds traceable to the offense charged in Count One of the Information, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Amended Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, FABIO BRETAS DE FREITAS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Amended Money Judgment shall be made by postal money order, bank or certified check, made payable to the "United States Marshals Service" and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Amended Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Amended Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Amended Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. This Court shall retain jurisdiction to enforce this Amended Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

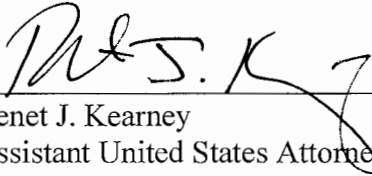
8. The Clerk of the Court shall forward three certified copies of this Amended Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Amended Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:



Benet J. Kearney
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2260/2340

2/25/2020
DATE

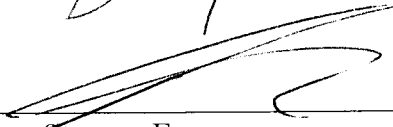
FABIO BRETAS DE FREITAS

By:


FABIO BRETAS DE FREITAS

2/25/20
DATE

By:


Anthony Strazza, Esq.
Attorney for Defendant
Law Offices of Anthony Strazza
245 Main Street, Suite 410
White Plains, NY 10601

2/25/20
DATE

SO ORDERED:


HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

2/25/20
DATE